

**UNAPPROVED DRAFT**  
**BOARD OF DENTISTRY**  
**MINUTES**  
**SPECIAL CONFERENCE COMMITTEE "A"**

**TIME AND PLACE:** Special Conference Committee "A" convened on May 23, 2008 at 9:27 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

**APPROVAL OF MINUTES:** Ms. Pace moved to approve the minutes of the Special Conference Committee "A" meeting held on April 11, 2008. The motion was seconded and passed.

**FIRST CONFERENCE:**

**PRESIDING:** Meera A. Gokli, D.D.S.

**MEMBERS PRESENT:** Jacqueline G. Pace, R.D.H.

**STAFF PRESENT:** Alan Heaberlin, Deputy Executive Director  
Gail W. Ross, Adjudication Specialist  
Grace Sauls, Administrative Assistant

**QUORUM:** Both members of the committee were present.

**Harold H. Fagan, D.D.S.**  
**Case No. 117668** Harold H. Fagan, D.D.S., appeared to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that,

1. On or about September 24, 2007, he prescribed Augmentin 500mg to Patient A, despite the fact that the patient was allergic to penicillin.
2. In or about 2007, Patient A's records failed to include a health history.
3. In or about September 2007, despite noting that he extracted several teeth, Patient A's record failed to include a diagnosis for the treatment rendered.
4. He failed to include in the patient's dental record a list of drugs prescribed and/or administered and the quantity when he performed Patient A's restorative treatment.

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The Committee received Dr. Fagan's statements and discussed the evidence in the case with him.

### **CLOSED MEETING:**

Ms. Pace moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Harold H. Fagan, D.D.S. Additionally, Ms. Pace moved that Board staff, Alan Heaberlin, and Grace Sauls, and Administrative Proceedings Division staff, Gail W. Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

### **RECONVENE:**

Ms. Pace moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

### **DECISION:**

Ms. Ross read the Findings of Fact and Conclusions of Law and Sanctions imposed as adopted by the Committee as follows:

1. Dr. Fagan holds a current Virginia dental license.
2. Dr. Fagan prescribed Augmentin 500mg to Patient A, despite the fact that the patient was allergic to penicillin.
3. Dr. Fagan failed to include in the patient's dental record a list of drugs administered and the quantity when he performed Patient A's restorative treatment.

The sanctions reported by Ms. Ross were that Dr. Fagan shall be assessed a \$1,000 monetary penalty. He is to take four (4) hours of continuing education in recordkeeping, and is required to successfully pass the Board's Dental Law examination. Ms. Pace moved to adopt the Committee's decision as reported by Ms. Ross. The motion was seconded and passed.

### **ADJOURNMENT:**

With all business concluded, the Committee adjourned at 10:15 a.m.

### **CASE REVIEW:**

Between scheduled conferences, both committee members independently reviewed disciplinary case records for probable

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cause and completed Probable Cause Review forms to direct the next steps for completing work on the case.

**TIME AND PLACE:** Special Conference Committee “A” reconvened on May 23, 2008 at 1:00 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

### **SECOND CONFERENCE**

**PRESIDING:** Meera A. Gokli, D.D.S.

**MEMBERS PRESENT:** Jacqueline G. Pace, R.D.H.

**STAFF PRESENT:** Alan Heaberlin, Deputy Executive Director  
Gail W. Ross, Adjudication Specialist  
Grace Sauls, Administrative Assistant

**EXPERT WITNESSES:** Matthew R. Cooke, DDS, MD, MPH.  
Joseph H. Guth, PhD.

**OTHERS:** James Schliessmann, Assistant Attorney General  
Brian Dolan, Esquire—Attorney for M. J. Hechtkopf, D.D.S.

**QUORUM:** Both members of the Committee were present.

**Michael J. Hechtkopf, DDS  
Case No. 113849** As a preliminary matter, Michael J. Hechtkopf, D.D.S. received an Order of Summary Restriction and Notice of Informal Conference on March 21, 2008, via hand delivery.

Dr. Hechtkopf and Attorney Brian Dolan appeared to discuss allegations that Dr. Hechtkopf may have violated laws and regulations governing the practice of dentistry in Virginia warranting the summary restriction, in that

1. He failed to perform a pre-operative assessment to determine if Patient A’s current health and medical history would predispose the patient to complications.
2. On March 9, 2007, he failed to obtain an updated health history prior to administering conscious sedation in preparation for Patient A’s restorative treatment.
3. Although he noted in Patient A’s record that he administered 1300mg of chloral hydrate and 30mg of hydroxyzine, the medical examiner’s autopsy report indicated that Patient A had a blood concentration of 24mg/L of chloral hydrate.

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4. On March 9, 2007, during the procedure, he failed to continuously monitor Patient A's blood pressure.
5. On March 9, 2007, he failed to demonstrate proficiency in handling emergencies and complications, such as those suffered by Patient A, as evidenced by his improper cardiopulmonary resuscitation (CPR) technique and his response to a Department of Health Professions' investigator when asked to identify the signs of cardiac arrest.
6. On or about March 9, 2007, Patient A's record failed to include comprehensive clinical documentation. Specifically, Patient A's vital signs were not documented and records indicated a discrepancy as to the amount of oxygen in the tanks during resuscitative efforts.

The Committee received statements from Mathew R. Cooke, MD, DDS, MPH and Joseph H. Guth, PhD.

### **CLOSED MEETING:**

Ms. Pace moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Michael J. Hechtkopf. Additionally, Ms. Pace moved that Board staff, Alan Heaberlin attend the closed meeting because his presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

### **RECONVENE:**

Ms. Pace moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

### **DECISION:**

Alan Heaberlin read the Findings of Fact and Conclusions of Law and Sanctions imposed as adopted by the Committee as follows:

After thorough review of the matter, the Committee found that it could not resolve the matter within the limits of its authority

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as set forth in Section 54.1-2400(10) of the code of Virginia (1950), as amended (“Code”). Therefore, pursuant to Section 2.2-4020 of the Code, a formal hearing will be convened.

**Until the Board convenes a formal hearing to issue a decision in this matter, the license of Dr. Hechtkopf remains subject to the Order of Summary Restriction entered by the Board on March 21, 2008, which restricts him from administering any form of general anesthesia, sedation and analgesia in the Commonwealth of Virginia.**

### **ADJOURNMENT:**

With all business concluded, the Committee adjourned at 5:25 p.m.

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Meera A. Gokli, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date